

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 14, 2013

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AMENDED IN SENATE MAY 13, 2013

## SENATE BILL

**No. 338**

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### **Introduced by Senator Hill**

**(Coauthors: Senators DeSaulnier and Yee)**

(Coauthors: Assembly Members Campos, Fong, Mullin, and Ting)

February 20, 2013

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An act to ~~add Section 5374.3 to the Public Utilities Code, and to amend Section 5373.1 of the Public Utilities Code, and to add Section~~ Sections 28062 and 34500.4 to the Vehicle Code, relating to charter-party carriers of passengers, and declaring the urgency thereof, to take effect immediately.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 338, as amended, Hill. Charter-party carriers of passengers: limousines: fire extinguishers.

~~The California Constitution establishes the Public Utilities Commission with jurisdiction over all public utilities, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Charter-party~~

~~carriers of passengers, as defined, are subject to~~ *Passenger Charter-party Carriers' Act* ~~places charter-party carriers of passengers, as defined, under the jurisdiction and control of the commission under the Passenger Charter-party Carriers' Act.~~ *Public Utilities Commission.* The act defines a charter-party carrier of passengers, subject to certain exceptions, to mean every person that is engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway. *Existing law requires the Department of the California Highway Patrol to regulate the safe operation of motor vehicles engaged in transportation for hire or compensation and to inspect those vehicles to ensure that they have the required safety equipment. A violation of these provisions is a crime.*

~~The Passenger Charter-party Carriers' Act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation or a permit issued by the commission, and to operate within the state on a prearranged basis, as defined. A violation of these provisions is a crime.~~

~~This bill would require, 30 days after the effective date of this act, require a limousine, as defined, that has been modified or extended for purposes of increasing vehicle length and passenger capacity to be equipped with 2 readily accessible and fully charged fire extinguishers, as specified, and would authorize the commission to require compliance with these provisions as a condition of issuing or renewing a certificate or permit. require one fire extinguisher to be securely mounted in the driver's compartment and the other one to be accessible to the passengers. The bill would require the driver or operator of the limousine to notify the passengers of the location of each fire extinguisher prior to the commencement of any trip. The bill would also require, not later than January July 1, 2015, the Department of the California Highway Patrol to implement a regular safety inspection program, as specified, of charter-party carriers of passengers that operate limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity. The bill would require the department to adopt regulations for this purpose. The bill would require the department to transmit to the Public Utilities Commission inspection data of limousines inspected pursuant to this program and would require an operator or owner the original manufacturer or final-stage manufacturer of a manufactured or aftermarket limousine, as described, to certify to the department that the vehicle meets all applicable federal and state motor vehicle safety standards. The bill~~

would also require the payment of an inspection fee, as specified, *and would revise the inspection fees for charter-party carrier bus terminal inspections*. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) ~~Limousines~~ *Vehicles operated by a charter-party carrier*  
4 *with a seating capacity of more than 10 passengers have more*  
5 *robust safety protections, including a requirement to be equipped*  
6 *with a fire extinguisher and to undergo annual safety inspections*  
7 *by the Department of the California Highway Patrol, than do*  
8 *limousines that have been modified or extended for purposes of*  
9 *increasing vehicle length and passenger capacity with a seating*  
10 *capacity of less than 10 passengers.*

11 (b) It is the intent of the Legislature to increase the safety of  
12 passenger travel in limousines with a seating capacity of less than  
13 10 passengers that have been modified or extended for purposes  
14 of increasing vehicle length and passenger capacity by mandating  
15 annual safety inspections and the installation of fire extinguishers  
16 in those limousines.

17 (c) It is the intent of the Legislature to provide authority to the  
18 Department of the California Highway Patrol to develop regulations  
19 to create an annual safety inspection program of charter-party  
20 carriers that operate ~~limousine services~~ *limousines that have been*  
21 *modified or extended for purposes of increasing vehicle length*  
22 *and passenger capacity.*

23 SEC. 2. ~~Section 5374.3 is added to the Public Utilities Code,~~  
24 ~~to read:~~

1     ~~5374.3. Beginning 30 days after the effective date of the act~~  
2 ~~that added this section, a limousine, as defined in subdivision (i)~~  
3 ~~of Section 5371.4, that has been modified or extended for purposes~~  
4 ~~of increasing vehicle length and passenger capacity shall be~~  
5 ~~equipped with two readily accessible and fully charged fire~~  
6 ~~extinguishers having at least 2A10BC 5lb rating and maintained~~  
7 ~~in efficient operating condition. One fire extinguisher shall be~~  
8 ~~securely mounted in the driver's compartment and one in the~~  
9 ~~passenger cabin, each in a conspicuous place or clearly marked~~  
10 ~~area. The commission may require compliance with this section~~  
11 ~~as a condition of issuing or renewing a certificate or permit~~  
12 ~~pursuant to this chapter.~~

13     ~~SEC. 2. Section 5373.1 of the Public Utilities Code is amended~~  
14 ~~to read:~~

15     ~~5373.1. (a) Each application for a charter-party carrier of~~  
16 ~~passengers certificate or permit shall be accompanied by a filing~~  
17 ~~fee as follows:~~

18     ~~(1) Class A certificates (new): one thousand five hundred dollars~~  
19 ~~(\$1,500).~~

20     ~~(2) Class A certificates (renewal): one hundred dollars (\$100).~~

21     ~~(3) Class B certificates (new): one thousand dollars (\$1,000).~~

22     ~~(4) Class B certificates (renewal): one hundred dollars (\$100).~~

23     ~~(5) Class C certificates (new): one thousand dollars (\$1,000).~~

24     ~~(6) Class C certificates (renewal): one hundred dollars (\$100).~~

25     ~~(7) Permits (new): one thousand dollars (\$1,000).~~

26     ~~(8) Permits (renewal): one hundred dollars (\$100).~~

27     ~~(b) The commission shall also require each application to be~~  
28 ~~accompanied by a fee to offset the cost of the charter-party carrier~~  
29 ~~bus terminal inspections conducted by the Department of the~~  
30 ~~California Highway Patrol. The department shall adopt regulations~~  
31 ~~to establish an inspection fee shall be fifteen based on fleet size~~  
32 ~~that shall, at a minimum, be twenty-five dollars (\$15) (\$25) per~~  
33 ~~tour bus, as defined in Section 612 of the Vehicle Code, or and no~~  
34 ~~higher than seventy-five dollars (\$75) per tour bus up to a~~  
35 ~~maximum of six thousand five hundred dollars (\$6,500) for each~~  
36 ~~operating carrier. per fleet.~~

37     ~~(c) The commission shall require each charter-party carrier that~~  
38 ~~operates tour buses, as defined in Section 612 of the Vehicle Code,~~  
39 ~~to undergo an annual bus terminal inspection conducted by the~~  
40 ~~Department of the California Highway Patrol and to pay Patrol.~~

*The department shall adopt regulations to establish an annual fee of ~~fifteen~~ twenty-five dollars (~~\$15~~) (\$25) per tour bus, ~~or~~ and no higher than seventy-five dollars (\$75) per tour bus up to a maximum of six thousand five hundred dollars (\$6,500) per fleet, to offset the cost of the inspections.*

(d) The commission shall deposit the fees collected pursuant to subdivisions (b) and (c) in the Motor Vehicle Account in the State Transportation Fund.

SEC. 3. Section 28062 is added to the Vehicle Code, to read:

28062. (a) A limousine, as defined in subdivision (i) of Section 5371.4 of the Public Utilities Code, that has been modified or extended for purposes of increasing vehicle length and passenger capacity shall be equipped with two readily accessible and fully charged fire extinguishers having at least 2A10BC 5lb rating and maintained in efficient operating condition. One fire extinguisher shall be securely mounted in the driver's compartment and one shall be accessible to the passengers.

(b) The driver or operator of a limousine that has been modified or extended for purposes of increasing vehicle length and passenger capacity shall notify the passengers of the location of each fire extinguisher prior to the commencement of any trip.

~~SEC. 3.~~

SEC. 4. Section 34500.4 is added to the Vehicle Code, to read:

34500.4. (a) The Department of the California Highway Patrol shall have the authority to conduct annual safety inspections of all limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity and that are operated pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

(b) (1) Not later than ~~January~~ July 1, 2015, the Department of the California Highway Patrol shall implement an annual safety inspection program of charter-party carriers of passengers who operate limousines as described in subdivision (a) that includes, but is not limited to, the safe operation of the vehicle, the installation of safety equipment, the retention of ~~drivers'~~ maintenance logs, accident reports, records of driver discipline, compliance with federal and state motor vehicle safety standards, ~~and~~ the examination of a preventative maintenance program, ~~and~~, if ownership of the limousine has been transferred, the transmission

1 *of relevant safety and maintenance information of the limousine.*  
2 The department shall adopt regulations for this purpose and hold  
3 public hearings prior to the adoption of any rule or regulation.

4 (2) (A) *The department shall adopt regulations to establish an*  
5 *inspection fee based on fleet size that shall, at a minimum, be*  
6 *twenty-five dollars (\$25) per vehicle and shall be no higher than*  
7 *seventy-five dollars (\$75) per vehicle.*

8 (B) *No fleet shall pay more than six thousand five hundred*  
9 *dollars (\$6,500).*

10 (C) *The fee structure established pursuant to this subdivision*  
11 *shall apply to limousines that have been modified or extended for*  
12 *purposes of increasing vehicle length and passenger capacity that*  
13 *are required to undergo a safety inspection pursuant to this section.*

14 ~~(2)~~

15 (3) The Department of the California Highway Patrol shall  
16 transmit to the Public Utilities Commission inspection data of  
17 limousines inspected pursuant to this program, as specified in the  
18 program regulations.

19 (c) Regulations adopted pursuant to this section shall be  
20 consistent with the established inspection program administered  
21 by the department for buses pursuant to Division 14.8 (commencing  
22 with Section 34500), and shall require ~~an operator or owner~~ *the*  
23 *original manufacturer or the final-stage manufacturer* of a  
24 manufactured or aftermarket limousine that has been modified or  
25 extended for purposes of increasing vehicle length and passenger  
26 capacity to certify ~~to the Public Utilities Commission and the~~  
27 department that the vehicle meets all applicable federal and state  
28 motor vehicle safety standards.

29 ~~(d) A charter-party carrier of passengers that operates a~~  
30 ~~limousine, as defined in subdivision (i) of Section 5371.4 of the~~  
31 ~~Public Utilities Code, that has been modified or extended for~~  
32 ~~purposes of increasing vehicle length and passenger capacity, and~~  
33 ~~that is required to undergo an annual safety inspection conducted~~  
34 ~~by the department, shall pay a fee of twenty-five dollars (\$25) per~~  
35 ~~limousine, or a maximum of six thousand five hundred dollars~~  
36 ~~(\$6,500), to offset the cost of the inspection.~~

37 ~~SEC. 4.~~

38 SEC. 5. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

7 ~~SEC. 5.~~

8 *SEC. 6.* This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to ensure that limousines that have been modified or  
13 extended for purposes of increasing vehicle length and passenger  
14 capacity and that are operated in California are better equipped  
15 for passenger safety at the earliest possible time, it is necessary  
16 for this act to take effect immediately.